

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RICHARD LOWERY,
Plaintiff

v.

**LILLIAN MILLS, IN HER
OFFICIAL CAPACITY AS DEAN
OF THE MCCOMBS SCHOOL OF
BUSINESS AT THE UNIVERSITY
OF TEXAS AT AUSTIN, ET AL.,**
Defendants

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No. 1:23-CV-00129-DAE

ORDER

Before the Court is Defendants’ Opposed Emergency Motion to Quash Deposition Notice and Subpoena and for Protective Order, Dkt. 81. The District Judge referred the motion to the undersigned for disposition. The motion—which seeks to quash a subpoena noticing a January 30, 2024, deposition of non-party Carlos Carvalho—asks the Court for expedited consideration, given the timing of the subpoena, the motion, and the deposition. *Id.* at 1. Based on the representations in the motion, the Court agreed to consider the motion on an expedited basis and ordered Plaintiff to respond to the motion by end of business January 25, 2024, Dkt. 82, and Plaintiff timely complied with this deadline, Dkt. 83. The Court set the motion for a teleconference hearing, and after considering the arguments of counsel, the parties’ filings, and the applicable law, the Court announced its ruling, and the reasons for it, on the record. This written order memorializes that ruling.

For the reasons stated on the record, the Court **GRANTS** Defendants' Opposed Emergency Motion to Quash Deposition Notice and Subpoena and for Protective Order, Dkt. 81. Additionally, to ensure that Plaintiff has sufficient time to conduct Professor Carvalho's deposition in advance of the March 2, 2024, pleading-amendment deadline, the Court **ORDERS** the parties to confer and re-schedule the deposition to take place on a mutually agreeable date no sooner than February 14, 2024, and no later than February 23, 2024.

SIGNED January 26, 2024.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE